

Notice of Allowability

Application No.

09/903,522

Examiner

Russell Frejd

Applicant(s)

THACKSTON, JAMES D.

Art Unit

2128

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment received on 10.1.04.
2. ☒ The allowed claim(s) is/are 19-49.
3. ☒ The drawings filed on 3 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Russell Frejd
RUSSELL FREJD
PRIMARY EXAMINER

In re Application of: Thackston

Allowance of Application # 09/903,522

1. The following communication is in response to applicant's Amendment received 1-October-2004 and applicant's Terminal Disclaimer received on 2-January-2004.

Reasons for Allowance

2. The following is an Examiner's Statement of Reasons for the indication of allowable subject matter. The instant application is directed to a non-obvious improvement over the information described in the article authored by Toye et al., entitled *SHARE: A Methodology and Environment for Collaborative Product Development*, and the article authored by Kempfer, entitled *Tools for Web Collaborations*. The improvement comprises a server-based system for a fabricator evaluating detailed instructions contained within a request for a proposal to view a design model, wherein the design model, the designer and the fabricator are connected over a network from separate locations, and whereby a software component, resident at the server system, is accessible by the designer and the fabricator at their respective locations, the software component including a substantially platform independent client side application from which the fabricator has access to manipulate the model design. This patentable distinction and the related embodiments are included in each of the independent claims, nos. 19, 32 and 42. Furthermore, the articles authored by Werkman (et al.) , entitled *Designer Fabricator Interpreter System* and *Negotiation in DAI as an Infrastructure Component for Collaborative Enterprises*, both disclose a distributed knowledge-based system for evaluating alternate connection configurations through multi-agent negotiation, but do not disclose allowing the fabricator to actually manipulate the design while viewing the proposal. The art of record, either individually

In re Application of: Thackston

or in combination, fails to teach, suggest, or render obvious the useful, concrete and tangible <server-based system for a fabricator evaluating detailed instructions to view and manipulate a design model> having the corresponding structure which is disclosed in the specification and equivalents thereof at least at page 16, line 8 through page 105, line 14, and Figures 1-28. In view of the foregoing, the claims of the present application are found to be patentable over the prior art.

Response Guidelines

3. Any comments considered necessary by applicant **MUST** be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should clearly be labeled "Comments on Statement of Reasons for Allowance".

4. Any response to the Examiner in regard to this allowance should be

directed to: Russell Frejd, telephone number (571) 272-3779, Monday-Friday from 0530 to 1400 ET, or the examiner's supervisor, Jean Homere, telephone number (571) 272-3780.

mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306

Hand-delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA., 22202.

Date: 7-February-2005

RUSSELL FREJD

**RUSSELL FREJD
PRIMARY EXAMINER**